

Jesse Rodocker

June 26, 2014

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

TIMOTHY MELLON, a Wyoming)
resident,)
Plaintiff,)
vs.) No. 13-CV-118 S
THE INTERNATIONAL GROUP FOR)
HISTORIC AIRCRAFT RECOVERY,)
a Delaware non-profit)
corporation, and RICHARD E.)
GILLESPIE,)
Defendants.)

TELEPHONE DEPOSITION UPON ORAL EXAMINATION
OF
JESSE RODOCKER

Seattle Deposition Reporters, LLC
600 University Street, Suite 320
Seattle, WA 98101

DATE: June 26, 2014

REPORTED BY: Jill L. Cheeseman, RPR
Washington CCR 2404

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<p style="text-align: center;">Page 18</p> <p>1 would normally do is charge for our expenses so that we 2 have no out-of-pocket costs but we wouldn't necessarily 3 charge any rates for the equipment.</p> <p>4 Q. Mr. Rodocker, I'm going to ask the court 5 reporter to hand you what we've labeled as Exhibit-1 6 Rodocker. And let me know when you have that in front 7 of you.</p> <p>8 A. I have it in front of me.</p> <p>9 Q. You recognize that document?</p> <p>10 A. Yes.</p> <p>11 Q. And what is that document?</p> <p>12 A. It's the bid quote.</p> <p>13 Q. And is this an accurate representation of 14 what you actually ended up billing Tighar for your work 15 on the 2010 expedition?</p> <p>16 A. I believe so, yes.</p> <p>17 Q. Okay. Now, looking at this document a little 18 bit further, I know that down towards the bottom where 19 it has Operator and Training it accounts for 21 days of 20 a trained operator -- trained operator's time. Do you 21 see that?</p> <p>22 A. Yes.</p> <p>23 Q. And I see that there was no charge for that. Is that correct?</p> <p>24 A. Yes.</p>	<p style="text-align: center;">Page 20</p> <p>1 example, in selling an ROV you would charge extra for? 2 A. Not all of them. Some of them are part of 3 the system. Some of them are accessories.</p> <p>4 Q. What one of those as we look down through 5 that list are accessories?</p> <p>6 A. The integrated navigation control console, 7 the HD camera upgrade, the three-jaw grabber, the 8 external lighting and the Tritech MicronNAV USBL 9 positioning system.</p> <p>10 Q. So let me back up. The vehicle that was 11 actually used is part of the description. I see the 12 part number is LBV300-6; is that correct?</p> <p>13 A. That's actually not correct. It was the 14 LBV300-5.</p> <p>15 Q. Okay.</p> <p>16 A. That might have been -- I'm not sure if that 17 was a typo when this quote was done or if we were 18 originally talking about doing one of those. I don't 19 recall.</p> <p>20 Q. And the LBV300-5, as you look sort of across 21 the spectrum of your products, is that kind of a lower 22 end ROV or one of the larger ROVs?</p> <p>23 A. It's the most sold ROV we have. It's not low 24 end. It's -- it's the best of our small ROVs, put it 25 that way.</p>
<p style="text-align: center;">Page 19</p> <p>1 Q. And why was that?</p> <p>2 A. Well, like I was saying earlier, we would do 3 things like this without charging for the personnel. We would charge for the -- we would just get our 5 expenses covered.</p> <p>6 Q. And that's also provided there under the 7 Operator portion, correct?</p> <p>8 A. Yeah. Just have it on the quote template. So what we would do is we charge them a day rate for 10 the equipment to basically cover some kind of wear and 11 tear on the equipment so when it got back we could make 12 it so we could sell it as say a used system or put it 13 into our demo pool. The operator was free of charge, 14 no charge; and then the travel expenses were to be paid 15 for by the client.</p> <p>16 Q. And the day rate that's charged up there 17 above then, that is -- do I understand your testimony 18 that that's related to cover the costs of wear and tear 19 of the equipment?</p> <p>20 A. Yes.</p> <p>21 Q. And there's a number of sort of add-ons or 22 additional equipment listed below there. Do you see 23 that?</p> <p>24 A. Yes.</p> <p>25 Q. And were those things that typically, for</p>	<p style="text-align: center;">Page 21</p> <p>1 Q. And who made the decision to utilize that 2 particular ROV? Was it you or Tighar?</p> <p>3 A. Me.</p> <p>4 Q. Okay. And so prior to submitting your bid, 5 did you talk to Tighar at all about the specifications 6 or capabilities for that particular ROV?</p> <p>7 A. They didn't know anything about ROVs. They 8 just said, "Basically we need to go to a thousand feet. 9 We have a 300 meter by 300 meter area to search. We 10 want HD. We want to be able to know where the ROV is." 11 They just gave me some basic parameters. 12 There was an RFQ, which I can't recall what it actually 13 said; but there would have been something that 14 specified the requirements.</p> <p>15 Q. Okay. And then so as far as the -- those 16 accessories that you talked about, adding those -- you 17 mentioned I think that Tighar expressly wanted to use 18 an HD camera; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And then as far as the other accessories, are 21 those things that you decided would be appropriate to 22 add; or was that something that Tighar specifically 23 asked for?</p> <p>24 A. Well, the external lighting is required for 25 the HD camera. The Tritech MicronNAV USBL positioning</p>

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SEATTLE DEPOSITION REPORTERS, LLC

www.seadep.com

206.622.6661 * 800.657.1110

FAX: 206.622.6236

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<p>1 system was to fulfill the requirement of knowing where 2 the ROV is, and then the grabber was I'm guessing -- 3 and may have been in the RFQ that they wanted the 4 ability to maybe collect a sample. So they wanted a 5 little arm. So that would have been what that would 6 have been there for.</p> <p>7 Q. And that ROV with the three-jaw grabber, 8 would that be capable of doing any sort of recovery if 9 you were successful in finding wreckage?</p> <p>10 A. Depends on what it is; but, yep, we can -- 11 that ROV can lift up to 220 pounds, 100 kilos, in water 12 without damaging it.</p> <p>13 Q. And the three-jaw grabber would be necessary 14 for doing that I'm assuming?</p> <p>15 A. Yes.</p> <p>16 Q. Do you have as part of your product line 17 accessories that help to measure scale?</p> <p>18 A. We do have -- Well, there's two things. 19 One, we do laser scaling, which is a pair of lasers 20 that are 50 millimeters apart that when projected on an 21 object in the video you can then see that's 50 22 millimeters; or you can use sonar.</p> <p>23 Q. And did Tighar make any requests for that 24 accessory or for hardware that would allow them to 25 determine scale during the search?</p>	<p>1 it -- Explain a little bit. Is there a tether system 2 that's utilized with the ROV?</p> <p>3 A. Yes.</p> <p>4 Q. And how does that work? What function does a 5 tether system perform?</p> <p>6 A. Well, the tether is how the ROV gets power. 7 It's how the video and the telemetry data is supplied 8 to the surface. So physics, as long as it exists as we 9 know it today, precludes the ability to transmit full 10 frame rate video and high bandwidth data through water 11 without a cable.</p> <p>12 Q. And so I note again on the quote that there 13 is a fiber optic tether listed there of 350 meter long 14 fiber optic tether; do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. And is that what was actually used and 17 provided as part of the expedition?</p> <p>18 A. Yes.</p> <p>19 Q. So getting back to this issue of the high 20 definition and standard definition video, if they did 21 utilize standard definition, would that camera have 22 come from you guys as well; or is that something that 23 they would have provided?</p> <p>24 A. No, no, no. All the equipment comes from us.</p> <p>25 Q. Okay. So if there was a standard definition</p>
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<p>1 A. I don't recall them asking for that, no.</p> <p>2 Q. Is that fairly -- is it fairly common to use 3 either -- well, to use the laser sight to determine 4 scale during searches?</p> <p>5 A. Sonar is more common. Laser is a few. And 6 lasers -- You know what? Laser wouldn't have been an 7 option. Laser doesn't work with the HD camera. It 8 only works with our standard definition camera.</p> <p>9 Q. Was there also a standard definition camera 10 on this ROV?</p> <p>11 A. There might have been. I don't recall.</p> <p>12 Q. If there was, would the laser sight have been 13 an option?</p> <p>14 A. It would have been an option if there was, 15 yes.</p> <p>16 Q. And did you -- I mean, do you remember having 17 any discussion at all with Tighar about scale and 18 methodology for determining scale during the search?</p> <p>19 A. I don't, no.</p> <p>20 Q. Did you ever recommend the use of either 21 sonar or laser to them?</p> <p>22 A. I don't recall.</p> <p>23 Q. Now, I note on this Exhibit-1 we've been 24 looking at the notation behind the LBV300 notes it can 25 go to 300 meters; it's depth rated to that depth. Does</p>	<p>1 camera, that would have just been another accessory 2 that you guys would have provided.</p> <p>3 A. Yes.</p> <p>4 Q. You mentioned that tether provides the power 5 for the vehicle. How is it powered? Is it an 6 electrical vehicle?</p> <p>7 A. Yes.</p> <p>8 Q. So is there a generator somewhere? Is it 9 tied into the power system of the boat? How does that 10 work?</p> <p>11 A. In this case, yes, we were supplied power 12 from the vessel we were operating from.</p> <p>13 Q. Okay. After you provided the quote, do you 14 recall any other conversations with Tighar or its 15 representatives prior to the 2010 expedition?</p> <p>16 A. Yes. We had conversations about, for 17 example, the operating platform. The boat we would be 18 operating from, we needed to learn more about that, 19 make sure that was suitable. We discussed the 20 equipment and what other types of equipment might be 21 useful.</p> <p>22 And then two of the crew -- or two of the 23 participants, whatever you want to call them, they came 24 to San Diego. I met them in San Diego, and I showed 25 them the equipment and kind of gave them a little bit</p>

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<p>1 A. Right. That's the piece I'm talking about.</p> <p>2 Q. Okay. That's the same thing as you were just</p> <p>3 testifying to?</p> <p>4 A. Yeah. So we saw it and got up close to it</p> <p>5 and got the video of it and we're looking at it -- and</p> <p>6 I had not prior to that seen whip coral -- and we're</p> <p>7 studying that and it looked kind of interesting because</p> <p>8 maybe it could be from the antenna on the airplane and</p> <p>9 everybody got real excited and stuff so we reviewed</p> <p>10 that.</p> <p>11 And it was I think maybe even the next day or</p> <p>12 later that day we were doing more ROV work and we came</p> <p>13 across the whip coral, and that's when I learned about</p> <p>14 it. And it's exactly the same. It was identical. So</p> <p>15 that's when we realized that it was a natural --</p> <p>16 naturally occurring piece of material, not a piece of</p> <p>17 wire.</p> <p>18 And I say -- I'm saying that with 99.9</p> <p>19 percent certainty. Obviously I didn't hold it in my</p> <p>20 hand to verify it, but I would say that's -- everybody</p> <p>21 else -- seemed like everybody else agreed, "Oh, yeah,</p> <p>22 that's whip coral."</p> <p>23 Q. What about the two pieces of rope that were</p> <p>24 found?</p> <p>25 A. Just long bits of rope. And I thought they</p>	<p>1 Q. And so how much time did you spend trying to</p> <p>2 relocate that area with the broken wire?</p> <p>3 A. I can't recall exactly; but it seems like we</p> <p>4 spent, you know, several hours.</p> <p>5 Q. Now, you were saying -- you mentioned that by</p> <p>6 that time you had lost that topside piece of equipment;</p> <p>7 is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. When you did lose that, how did that impact</p> <p>10 your operations?</p> <p>11 A. Well, we didn't have quite as precise a</p> <p>12 position of where the ROV was. I had to use other -- I</p> <p>13 had to use my depth and my heading and the contour of</p> <p>14 the land to be able to approximate where I was.</p> <p>15 I mean, we had already -- fortunately, we had</p> <p>16 already kind of covered that 300 meter section they</p> <p>17 wanted to cover and we had extended our search and then</p> <p>18 gone back to look more in that same area.</p> <p>19 But what I could use was you can see the</p> <p>20 shape of the island and you know what depth you are and</p> <p>21 you travel along basically the underwater portion of</p> <p>22 the island, you would go at a set depth of say call it</p> <p>23 100 meters.</p> <p>24 You travel to the extent that your cable</p> <p>25 would allow; and then you would dive the other ROV say</p>
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<p>1 were more closer to the shipwreck that's there, the</p> <p>2 Norwich City. And we tried to grab on it and recover,</p> <p>3 but it was fully embedded and had been there for a</p> <p>4 while. But it was a pretty significant amount of rope.</p> <p>5 Q. And actually on the two strands of rope, did</p> <p>6 you try to retrieve both of them with the arm or just</p> <p>7 one of them?</p> <p>8 A. I'm not sure if we tried -- I know we tried</p> <p>9 at least one. I'm not sure if we tried both.</p> <p>10 Q. Actually, after you found the rope and wire,</p> <p>11 the coil together, did you go back and try to return to</p> <p>12 that same site?</p> <p>13 MR. MASTERSON: I need to make an objection</p> <p>14 as to form. Thank you.</p> <p>15 BY MR. STUBSON:</p> <p>16 Q. You can answer.</p> <p>17 A. We -- yeah, the whip coral thing we did try</p> <p>18 to go back to that. It was -- yeah, so obviously found</p> <p>19 that. I believe that was found after the incident with</p> <p>20 my tracking system when they sucked it into the</p> <p>21 thruster, so we didn't have tracking to get ourselves</p> <p>22 back to that exact location.</p> <p>23 Q. If you had found the whip coral all over, why</p> <p>24 did you decide to go back to it?</p> <p>25 A. They wanted to. The Tighar wanted to.</p>	<p>1 -- whatever the visibility was, say 5 meters, so go</p> <p>2 down to like 105 or 110 meters, and you came back in</p> <p>3 the opposite direction so you could do a systematic</p> <p>4 approach to covering the area in that method.</p> <p>5 Q. So you came across that rope the first time</p> <p>6 around, you -- did you know what depth it was at?</p> <p>7 A. We would have known the depth, yes.</p> <p>8 MR. MASTERSON: I need to object as to form,</p> <p>9 but go ahead. Thank you.</p> <p>10 BY MR. STUBSON:</p> <p>11 Q. Go ahead, Mr. Rodocker.</p> <p>12 A. Yes, we would have known the depth.</p> <p>13 Q. And what other information would you have</p> <p>14 known about the location of that?</p> <p>15 A. Well, we know where the ship is. And it's</p> <p>16 got -- we have GPS coordinates for the ship; and we</p> <p>17 were using a clump weight on the tether because of the</p> <p>18 current, which means you apply weight to the bottom of</p> <p>19 the cable that's near to the ROV so the cable is --</p> <p>20 you're not pulling all the cable through the water,</p> <p>21 because that's where the drag is created, and that</p> <p>22 cable is basically going pretty much vertically</p> <p>23 straight down to the bottom, so then you would know --</p> <p>24 and that cable was, oh, I don't know, maybe it was 25,</p> <p>25 30 meters-ish back from the ROV, so you would have a</p>

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<p>1 Q. Looking -- Sorry. Let me find it real 2 quick. On the entry under May 28, you see it says, we 3 "located what appeared to be a manmade object. 4 Recovered ROV, fitted grabber and went back to object"? 5 Do you see that? 6 A. Yes. 7 Q. And at that time did you still have the 8 topside equipment working? 9 A. Yes. 10 Q. So that's why you were able to go right back 11 to the object? 12 A. That's correct. 13 Q. And when you were in the area of the rope and 14 what you later determined to be whip coral, did have 15 you the arm fitted on the ROV at that time? 16 A. No. 17 Q. Looking at the next page, you see where it 18 says, "Difficulties Encountered"? 19 A. Yes. 20 Q. And I want to ask you about a few of those. 21 Well, first of all, is this a complete list of the 22 difficulties that you did have in operating the ROV? 23 A. They would have been -- Most likely, yes. I 24 mean, this is obviously a summary. This doesn't go 25 into the same kind of detail, but that would have been</p>	<p>1 A. If memory serves me, I think we did try the 2 second one. It didn't have HD. I think it had a sonar 3 on it, so we tried that. But it wasn't really of any 4 benefit because everything was so visual and the 5 steepness of the terrain, so I didn't use it much. 6 Q. Looking on the second bullet point under 7 that, it talks about "Loss of long tether capability." 8 Do you see that? 9 A. That's correct. That's the broken tether we 10 were talking about earlier. 11 Q. Okay. And it looks like that -- your note 12 here says it happened on the third day of the ROV 13 operations; is that correct? 14 A. Yeah, that's what it looks like, yep. It did 15 happen relatively quickly. 16 Q. So between that third day and when the VvS1 17 arrived, you would have been limited in depth of your 18 search; is that correct? 19 A. Yes. Those days we did down to 150 meters, 20 and those were also the days that we did the AUV 21 operations as well. 22 Q. And then the fourth bullet point there talks 23 about the topside transducer. We talked about that, 24 correct? 25 A. That's right.</p>
<p>-- I mean, I don't put down there for example that the people that were helping me weren't very good. Q. Fair enough. A. But it's the key ones, the important ones, yes. Q. Okay. The beginning one, the "Shipping damage to secondary LBV," do you see that? A. Uh-huh. Q. What was the secondary LBV? A. So I brought a backup. So I brought two of them, so when you're -- when you're as remote as this island is, you can't obviously nip down to the Radio Shack for bits and pieces, so I brought redundancy. So I had two ROVs; I had multiple cables; I had, you know -- I had as much as I could bring within reason obviously. Q. And so by the time you got on site, was there only one operational LBV? A. Well, all right, so we had some shipping damage; but I could still use bits and pieces, so all I needed really was one operational unit that if I needed to I could steal a part from the other one to keep the other one working. Q. And did you only use one of the LBVs while you were on site?</p>	<p>1 Q. And that was a problem that continued from 2 the date that was damaged through the end of the 3 expedition; is that right? 4 A. That is right. 5 Q. Looking on the next page of that report, 6 there's a map of the ROV search. Do you see that? 7 A. Yes. 8 Q. And is that a map that you created? 9 A. Yes. 10 Q. And the red line, is that the area that we've 11 been talking about, the 300 by 300 meter area that 12 Tighar wanted to have searched? 13 A. Yeah. It looks like it, yeah. 14 Q. Okay. And then the green line would be where 15 you actually did conduct the search? 16 A. That's right. 17 Q. And I see that there's a notch out of that 18 red box that appears wasn't searched; is that accurate? 19 A. Yep. 20 Q. Do you know why that area wasn't searched? 21 A. I don't remember. It's near the Norwich 22 City, north of there. 23 No. I can't remember why or what the issue 24 was there with the search area. 25 Q. Did you after you returned from the</p>

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